

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TIMOTHY HASSAN,

Plaintiff,

- against -

SECRETARY OF DEFENSE ASHTON B. CARTER,  
*U.S. Department of Defense*,<sup>1</sup>

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER ADOPTING  
REPORT AND RECOMMENDATION  
14-CV-6799 (RRM) (LB)

Plaintiff Timothy Hassan has failed to appear at two Court-ordered conferences with no explanation or request for adjournment. He has also failed to comply with a Court order to appear at the second conference and to show good cause for the first failure to appear. It appears that plaintiff has abandoned this action. Therefore, dismissal of the case is appropriate.

Plaintiff commenced this *pro se* action on November 18, 2014 against then Secretary of Defense, Chuck Hagel. (Compl. (Doc. No. 1) at 1.) In his complaint, plaintiff alleges that defendant discriminated against him based on his disability. (*Id.*) Defendant answered the complaint on September 8, 2015 (Answer (Doc. No. 12)), and Magistrate Judge Lois Bloom ordered the parties to appear for an initial pretrial conference on October 8, 2015. (9/9/15 Order (Doc. No. 13).) Plaintiff failed to appear at the conference and did not contact the Court or defendant's counsel to request an adjournment or explain his absence. Judge Bloom subsequently ordered plaintiff to appear at the re-scheduled conference on November 2, 2015 and to show good cause why he had failed to appear at the previous conference. (10/8/15 Order (Doc. No. 15).)

Plaintiff was warned by Judge Bloom “**that if he fails to timely appear at 2:30 p.m. on 11/2/2015,**

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<sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Secretary of Defense Ashton B. Carter is automatically substituted as a party in place of former Secretary of Defense Chuck Hagel. Accordingly, the Clerk of Court is directed to amend the caption as it appears above.

**I shall recommend that this action should be dismissed.”** (*Id.* (emphasis in original).) Plaintiff did not appear at the November 2, 2015 conference. (11/2/15 Minute Entry (Doc. No. 16).) On November 10, 2015, Judge Bloom issued a Report and Recommendation (“R&R”) recommending “that plaintiff’s action should be dismissed pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure.” (R&R (Doc. No. 17) at 1.)

Judge Bloom reminded the parties that, pursuant to Rule 72(b), any objections to the R&R had to be filed by November 24, 2015. No party has filed any objections. Thus, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that plaintiff’s action is dismissed pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure.

The Clerk of Court is respectfully directed to enter judgment pursuant to this Order, and to send a copy of this Order and the accompanying judgment to plaintiff Timothy Hassan at 350 Snediker Avenue, Apt. # 512, Brooklyn, NY 11201.

The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: Brooklyn, New York  
January 7, 2016

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge